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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,788	08/15/2001	Andrew David Hood	Hood/Sliwa	2548

33321 7590 10/04/2006

MAGUIRE LAW OFFICE
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DAVIS, CA 95616

EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/930,788	Applicant(s) HOOD ET AL.	
	Examiner Vanel Frenel	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-25 and 27-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-25 and 27-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 6/5/06. Claims 2, 27, 36 and 38-40 have been amended. Claims 1 and 26 have been canceled. Claims 2-25 and 27-40 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-25, 27-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (6,168,563) in view of Campbell et al (6,047,259) and further in view of Lang (2002/0118112).

(A) Claim 2 has been amended to recite the limitations of "a system for gathering and managing patient medical data, comprising: a handheld computing device, said handheld computing device having loaded in memory a first computer module for gathering patient medical information, wherein said first computer module has a plurality of data entry screens and a" and "and a microprocessor, said microprocessor having loaded in memory a second computer module, said second computer module having means for creating customized data entry screens for use by said first module .

Brown and Campbell do not explicitly disclose “a system for gathering and managing patient medical data, comprising: a handheld computing device, said handheld computing device having loaded in memory a first computer module for gathering patient medical information, wherein said first computer module has a plurality of data entry screens and a” and “and a microprocessor, said microprocessor having loaded in memory a second computer module, said second computer module having means for creating customized data entry screens for use by said first module .

However, these features are known in the art, as evidenced by Lang. In particular, Lang suggests “a system for gathering and managing patient medical data, comprising: a handheld computing device, said handheld computing device having loaded in memory a first computer module for gathering patient medical information, wherein said first computer module has a plurality of data entry screens and a” and “and a microprocessor, said microprocessor having loaded in memory a second computer module, said second computer module having means for creating customized data entry screens for use by said first module (See Lang Page 2, Paragraph 0018; Page 3, Paragraphs 0036-0038).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Lang within the collective teachings of Brown and Campbell with the motivation of allowing a subscriber to store health parameter information that emergency medical personnel can quickly access (See Lang, Page 1, Paragraph 0011).

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(B) Claim 27 has been amended to recite the limitations of “a method for gathering patient medical data, said method comprising the steps of: gathering patient medical information, using a first computer module on a handheld computing device, said first computer module having a plurality of data entry screens;” and “creating customized medical data entry screens for use by said first module using a second computer module.

Brown and Campbell do not explicitly disclose “a method for gathering patient medical data, said method comprising the steps of: gathering patient medical information, using a first computer module on a handheld computing device, said first computer module having a plurality of data entry screens;” and “creating customized medical data entry screens for use by said first module using a second computer module.

However, these features are known in the art, as evidenced by Lang. In particular, Lang suggests “a method for gathering patient medical data, said method comprising the steps of: gathering patient medical information, using a first computer module on a handheld computing device, said first computer module having a plurality of data entry screens;” and “creating customized medical data entry screens for use by said first module using a second computer module (See Lang Page 2, Paragraph 0018; Page 3, Paragraphs 0036-0038).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Lang within the collective teachings of Brown and Campbell with the motivation of allowing a subscriber to store health parameter

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information that emergency medical personnel can quickly access (See Lang, Page 1, Paragraph 0011).

(C) Claim 36 has been amended to recite the limitations of: "having a means of gathering specified regulatory data and". However, this limitation has been clearly shown in Lang Page 2, Paragraph 0018). One of ordinary skill in the art at the time of the invention to have included the features of Lang within the collective teachings of Brown and Campbell with the motivation of allowing a subscriber to store health parameter information that emergency medical personnel can quickly access (See Lang, Page 1, Paragraph 0011).

(D) Claim 38 has been amended to recite the limitations of: "and a conduit for remote transmission of data" However, this limitation has been clearly shown in Lang Page 1, Paragraph 0012). One of ordinary skill in the art at the time of the invention to have included the features of Lang within the collective teachings of Brown and Campbell with the motivation of allowing a subscriber to store health parameter information that emergency medical personnel can quickly access (See Lang, Page 1, Paragraph 0011).

(E) Claim 39 has been amended to delete the word "information" and add the word "and". However, this changes does not affect the change of the scope/breadth of the claim as originally presented, and therefore the claim is rejected for the same reason given in the previous Office Action, and incorporated herein.

(F) Claim 40 has been amended to recite the limitations of "wherein said steps are undertaken during the course of emergency medical services. However, this limitation has been clearly shown in Lang Page 2, Paragraph 0018). One of ordinary skill in the art at the time of the invention to have included the features of Lang within the collective teachings of Brown and Campbell with the motivation of allowing a subscriber to store health parameter information that emergency medical personnel can quickly access (See Lang, Page 1, Paragraph 0011).

(G) Claims 3-25, 28-35 and 37 have not been amended are therefore rejected for the reasons given in the previous Office Action, and incorporated herein.

Response to Arguments

4. Applicant's arguments filed on 6/05/06 with respect to claims 2-25 and 27-40 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches dynamic bandwidth monitor and adjuster for remote communications with a medical device (6,564,104), system and method for generating and transferring data (2001/0023316) and computer system for portable digital data capture and data distribution (2005/0144182).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F

V. F

August 17, 2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER